1946 **File No.** Papes Control II/46

K

Legal Department

B **BRANCH**

Subject:— Rules and Notifications under the Papes Control (Distribution) Order, 1944. Paper Control (Prices of Imported Paper) Order, 1944

Q. 2/E

File No. Paper Control/ II/46.

Gen. 194 e.

36-B.

Office of the R.L.A.

Attention of the Finance Department (Supply) is drawn to the draft Order at page 53 of the linked file II (No.37( )/2 9) which is proposed to beissued in supersession of Government Order No 37(3)/IV-B dated the 23rd June 1944. The appropriate course to include the Padumjee Hand Made Paper Mills would be to revise suitably the draft Order referred to and not to amend the original order as proposed at page 7 ante. The draft Order in the linked file has been accordingly revised.

Sd/- P.N.Moos

o.c. 9/3/46

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No 1998, dated the 9th March 1946.

Mjr/13/7

4 Cs.

Office of the R.L.A.

The question for the consideration of the R.L.A. are:

(i) whether the authorisation under clauses 9,10,11,13 and 40 of the various Paper Control Orders cannot be the subject of one instead of five different notifications; and

(ii) Whether the portion in the publicity clause under each of the draft notifications directing supply of copies of the notifications to various associations cannot be omitted from the notifications and whether it cannot form part of a separate direction in the form of a note signed by the Supply Commissioner.

2. It is true that the officers to be authorised in all the cases are the same; but they derive their authority to exercise certain powers under five different orders which deal with different subjects. It will therefore be desirable to issue five separate notifications each under the order to which it relates.

3 As regards the second question, attention is invited to the letter from the Government of India, Defence Department No. 5DC(13)/45, dated the 6th November1945, which has been recently circulated to all the departments of the Secretariat. In that letter the Government of India have taken the view that rule 119 of the Defence of India Rules has no application to subsidiary orders, notifications etc., made or issued in pursuance of an order made under the Defence of India Rules. In view of the Government of India's ruling it is not necessary to give publicity to the notifications in question with reference to rule 119.

4. Incidentally it may be pointed out that the correction made by the Finance Department (Supply) in the notification at page 51 is not in order. Clause 40 of the Paper Control (Economy) Order, 1945, which supersedes the order of 1944, now invests the Provincial Government with the power to authorise any officer to exercise the powers specified in that clause. There is now no occassion for the Central Government to delegate the said powers to the Provincial Government and the reference in the said notification to the notification delegating the powers

to the Provincial Government, being inappropriate, has been deleted.

5. The notification at page 55 has been amended by substituting "clause 16" caluse 21".

Sd/- P.N.Moos

o.c. 9/3/46

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 2000, dated the 9th March 1946.

Mjr/13/7

4 Cs.

Office of the R.L.A.

Sub-rule (1) of rule 119 of the Defence of India Rules provides that every authority, officer or person who makes any order in writing in pursuance of any of the rules shall in the case of an order of a general nature or affecting a class of persons, publish notice of such Order in such manner as may, in the opinion of such authority, officer or person be best adapted for informing persons whom the order concerns. The authority, officer or the person concerned has in each case to apply his mind and decide how notice ofa particular order should be given and to see that it is given accordingly. The Officer who proposes to issue the Order has in this case decided how notice thereof should be given and one of the methods decided by him to supply copies to the Associations named. It is not necessary that the names of the Association should appear in the newspapers in which the Order will be published, but in that case clause (iv) of the publicity clause in the proposed Order should be amended as suggested on page 54. The F.D (Supply) should see that all the Associations affected by the Order are in fact supplied with copies thereof. In each case it would be desirable to state in the publicity clause itself all the methods in which the officer proposing to issue an Order has decided to publish the same, and get the whole publicity clause printed also in the newspapers, i. which it is decided to publish the Order.

Sd/- P.N.Moos
9/3/46

o.c.

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 1999, dated the 9th March 1946.

Mjr/~~xx~~x 13/7

4 Cs.